THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on : 23.04.2007

\+ **WP(C) 13472/2006**

M/S HAPPY ELECTRICALS ... Petitioner

- versus -

UNION OF INDIA & ANOTHER ... Respondents

Advocates who appeared in this case:
For the Petitioner : Ms Ansuya Salwan with Mr S. S. Sastry
For the Respondent/UOI : Mr Dinkar Bajaj

CORAM:-
HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J(ORAL)

1. In this writ petition, the Office Memorandum issued by the Directorate General of Works, Central Public Works Department, CSQ Organisation, Contract & Manual Unit, Nirman Bhawan, New Delhi, is impugned. Ms. Salwan, who appears on behalf of the petitioner submits that in identical circumstances in the case of M/s Alcon Builders & Engineers Pvt. Ltd., which is a Class-I electrical contractor like the present petitioner, this

Court had set aside a similar impugned order and directed the respondent to revalidate the enlistment of the petitioner.

2. She submits that the reason given in the Office Memorandum dated 27.07.2006 for non-grant of revalidation of enlistment as a Class-I electrical contractor is identical to the reason given in the case of M/s Alcon Builders & Engineers Pvt. Ltd. The said reason reads as under:-

> ".....The competent authority is not fit for further revalidation as the contractor had failed to secure any work of appropriate nature and amount as required as per Enlistment Rules 2001 under Para 21(1), (ii) & (iii) during the revalidation of enlistment & provisional extension granted to the contractor."

With reference to the aforesaid reasons, she submitted that revalidation has been denied on the ground that even during the provisional extension granted to the petitioner, the petitioner has been unable to secure any work of an appropriate nature and amount as required under the Enlistment Rules 2001 under Para 21(1), (ii) & (iii). She submits that this is factually incorrect inasmuch as the enlistment of the petitioner was revalidated up to 30.01.2005 and thereafter provisionally extended up to 31.07.2005. The petitioner had submitted tenders for works which were accepted on 29.03.2005, i.e, during the period of provisional extension. The quantum of the work was to the extent of Rs.35 lacs, which is far in excess of the requirement of Rs.10 lacs.

3. The learned counsel for the respondent could not controvert the factual position. He, however, sought to justify the Office Memorandum on some other reasons as indicated in their counter-affidavit. However, it is well settled that an order, which is passed on certain reasons, would stand or fall on those very reasons and not any other reasons.

4. I have considered the arguments advanced by the counsel for the parties. It is clear that this matter is entirely covered by the decision in the case of ***M/s Alcon Builders & Engineers Pvt. Ltd v. Union of India*** **:** WP (C) 13002/2006, which was decided on 23.02.2007. The impugned Office Memorandum dated 27.07.2006 cannot stand and, therefore, the same is set aside. The respondents are directed to revalidate the enlistment of the petitioner within two weeks.

This writ petition stands disposed of. No order as to costs.

BADAR DURREZ AHMED
(JUDGE)

April 23, 2007
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